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GOVERNMENT OF PUNJAB

DEPARTMENT OF INDUSTRIES & COMMERCE,

(INFRA SECTION)

NOTIFICATION

The 7th December, 2020

No. Infra/Telecom guidelines/2020/10807-A.—In pursuance of the provision of the Indian Telegraph Right of Way Rules 2016 and in supersession of earlier Notification of this Department, dated 05.12.13 and 11.12.2015, the Governor of Punjab is hereby pleased to make the following guidelines to bring uniformity, clarity and simplification in the process of giving Right of Use (RoU) and Right of Way (RoW) permission to install telecom infrastructure such as laying of overhead communication & Connectivity infrastructure such as Ground Based Tower (GBT), Ground Based Mast/Monopole, Roof Top Tower (RTT) and Roof Top Pole (RTP) and laying of underground Optical Fibre Cable to licensed telecom operators and registered infrastructure providers in urban and rural areas of Punjab, which has received the assent of Council of Ministers on November 18, 2020.

Objectives:

These guidelines are aimed at creation of a robust telecommunication infrastructure with adequate bandwidth to promote Information Technology, e-governance, e-commerce, convergence of information, communication and entertainment sectors, which shall improve the economy of the state and enhance the quality of life of citizens and ensure development of urban and rural areas with equity throughout the State.

Definition:

- (a) “Act” means the Indian Telegraph Act, 1885 (13 of 1885);
- (b) “Appropriate Authority” means the Central Government, respective State Governments, or such Authority, body, company or institution incorporated or established by the Central Government or the State Government, in respect of property, under, over, along, across, in or upon which underground or over ground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate Authority.
- (c) “State Government” means the State Government having jurisdiction, and includes the administration of a Union territory;

- (d) "Licensee" means any person holding a license issued under sub-section (1) of section 4 of the Act;
- (e) "Over ground telecom infrastructure" means a telecom line established over the ground and includes posts or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telecom line;
- (f) "Rule" means the Indian Telegraph Right of Way Rules, 2016.
- (g) "Underground telecom infrastructure" means a telecom line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telecom line.
- (h) "Registered Telecom Infrastructure Provider" are the one who hold valid license issued by DOT, GOI.

Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

1.2 APPLICABILITY / ELIGIBILITY

The guidelines shall be applicable to all telecom licensees and Registered Telecom Infrastructure Providers (Registered with DOT) within the State.

- i) Any authorized licensee of Department of Telecom / registered Infrastructure Provider is eligible to seek / avail Right of Way facility / permission. However, enforceability of the permission so granted shall be restricted to the extent of provisions / scope of service contained / defined in the license agreement of that licensee and for the purpose for which it is granted, subject to compliance of the Electric Magnetic Field (EMF) radiation norms fixed by Government of India or any Appropriate Authority from time to time.
- ii) Either by content or by intent, the purpose of extending Right of Way facility is not to enhance the scope of license of a licensee and such Right of Way permissions shall be only enabling in nature.
- iii) The concerned Commissioner of Municipal Corporation/ Executive officers of Municipal Committee/ Nagar Panchayat/Local self-governing bodies shall be the Appropriate Authority in the areas under its jurisdiction. For other areas the Dept. of Housing & Urban Development, or the concerned Department (e.g. PWD (B&R) or Public Development Authority shall be the Appropriate Authority.

1.3 GUIDELINES

All applications seeking permission of any Appropriate Authority to lay the communication infrastructure shall be submitted by the applicant infrastructure provider/telecom licensee along-with all the particulars and documents specified in Clause 1.4 to the concerned Deputy Commissioner who shall forthwith forward the application to the Appropriate Authority through nodal officers of the concerned State Government Department/Statutory Authority/State Agency through a portal to be established for ease of doing business. Till the time, the portal is not introduced; the application shall be processed manually.

- a) The concerned Deputy Commissioner of the District shall be single contact person for all clearances. The designated Nodal Officers of the concerned State Government Department/Statutory Authority/ State Agency will be single point contact for DCs. In order to provide time bound clearances and to address public grievances relating to installation of telecom infrastructure and other issues, and also to give clearances for establishing telecom infrastructure over government land and buildings a District Level Telecom Committee (Single Window System) is constituted as under: -
 - i) Deputy Commissioner/Additional Deputy Commissioner (General) of the concerned district. (Chairman).
 - ii) SP (Headquarter) of respective Police District.

- iii) District Head of concerned Department, Board, Corporation, Society whose land/building is being taken on lease by Infrastructure Provider.
- iv) S E (Operations) PSPCL or his nominee.
- v) Any Officer out of the following who will be nominated by the Deputy Commissioner: -
 - a) Executive Engineer (PWD-Buildings)
 - b) Executive Engineer (Panchayati Raj)
 - c) Executive Engineer (Mandi Board)
 - d) Executive Engineer (Local Government)
- vi) Municipal Commissioner of the concerned Municipal Corporation//Executive Officers of Municipal Committee/Nagar Panchayat/Improvement trust or any Local self-governing bodies or their nominees.
- vii) District Forest Officer of respective District.
- viii) District Town Planner or his nominee in case of Rural Areas.
- ix) Deputy Commissioner can co-opt any other official as per public needs.
- x) General Manager, District Industries Centre/ District Officer NIC (Conveners).

b) Applicants can apply through a common application form (CAF) submitted on the Progressive Punjab Business First Portal of the State Government along with onetime fee and will be received in the O/o Deputy Commissioner. The said application would be forwarded by the office of Deputy Commissioner to the concerned Appropriate Authority through nodal officer immediately and not later than 03 days.

c) Each application shall be duly scrutinized by the concerned designated nodal officer(s) of the concerned State Government Department/ Statutory Authority/ State Agency) concurrently and not sequentially who may seek such additional information including the performance Bank Guarantee from the “Applicant” as may be considered necessary for scrutiny of the application. While processing the said application, the concerned Appropriate Authority shall take into consideration not only the existing infrastructure services and their safety and operations but also future requirements of widening of the roads or augmentation of services. In case, the proposed route alignment interferes with any services already laid, and it is feasible to relay/ re-align such services at the cost of the Applicant or the Applicant offers to undertake such realignment at his cost to the satisfaction of the Appropriate Authority, the same may be considered and allowed. The Appropriate Authority will accord the final approval within next 15 days of receipt of the application and forward the permission to Deputy Commissioner and on receipt of final permission, office of Deputy Commissioner will upload the permission on the Business First portal.

d) The single window committee as given in 1.3 (a) will meet periodically to review and to expedite the clearances.

e) The permission shall be deemed to have been granted, if the nodal officer fails to either grant permission or rejection within a maximum period of 25 days from the submission of the application.

f) In line with the requirements of the Indian Telegraph Act, (Right of Way Rules, 2016) the State Government has designated the Administrative Secretary, Government of Punjab, Department of Industries & Commerce as a State Nodal Officer for dispute resolution.

g) Cell-on-wheels (COW) and any temporary infrastructure for managing events/festivals/fairs of short duration not beyond 90 days ought to give coverage to blank areas shall not be included in telecom

infrastructure for the purpose of this order and formal permission may be obtained from Appropriate authorities for installation of such temporary infrastructure.

1.4 DOCUMENTS TO BE SUBMITTED ALONG WITH THE APPLICATIONS

- i) For obtaining permissions from the Appropriate Authority, a locality-wise map with detailed description of location and methodology to be used for laying the Optical Fibre Cables (OFC), (i.e., HDD technology or open trenching or both) will be submitted along with application. This will contain relevant details of the land.
- ii) Information regarding height of tower, the depth and length of trench, dimensions (length, width and depth) of land required for laying OFC or any other details / specifications required by the relevant Authority will also be provided.
- iii) The applicant shall provide a data-sheet wherein following information shall be provided.
 - a) Name of the Service/Infrastructure Provider
 - b) Location
 - c) Tower Reference
 - d) i) Height ii) Weight iii) Ground/Roof top iv) Pole/Wall Mounted v) Number of antennas.
 - e) Copy of SACFA clearance / copy of SACFA (Standing Advisory Committee for Frequency Allocation) application for the said location submitted to WPC wing of DoT with Registration no. as WPC acknowledgement along with undertaking that in case of any objection/rejection, TSPs/IPs will take corrective erection/remove the tower. In the second situation, the copy of SACFA clearance shall be submitted to the Nodal Officer before the finalization of location of tower or before the tower start radiating.
- iv) Copy of structural stability certificate for ground-based towers. In case of roof top BTS towers, structural stability certificate for the building and tower based on written approvals of any authorized Structural Engineer of State/Local Bodies/Central Buildings Research Institute, Roorki/IIT/NIIT or any other agency authorized by the local body.
- v) Copy of clearance from Fire Safety Department only in case for high rise building where Fire Clearance is mandatory.
- vi) For forest protected areas, the copy of clearance from State Environment & Forest Department, if applicable.
- vii) No Objection Certificate from Building Owner / entities having roof top rights or roof top tenants in case of roof based tower/ land owner or in case of ground based tower, as the case may be. The concerned department of the State Government may seek fresh NOC at the time of renewal of site (tenancy) contract for mobile tower.
- viii) Acknowledgement receipt issued by TERM Cells (DoT) of the self-certificate submitted by Telecom Service Provider/Infrastructure Provider in respect of mobile tower/BTS (ground based/roof top/Pole/wall mounted) in the format as prescribed by TEC, DOT, establishing/ certifying that all General Public areas around the tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating. It can be submitted within 90 days after the tower starts radiating.

There would be no need of NOC from Punjab Pollution Control Board for installing Generator Sets of upto 1 MVA capacity for setting up of Telecom Towers.

1.5 CONDITIONS PRECEDENT.

- i) Licensee will carry out GPR survey along the route where the duct has to be laid for detection of existing utility. The data of utility collected through GPR survey would be unconditionally shared with relevant Authority free of cost.
- ii) Permission granted to the applicant licensee will not be transferable and will be applicable only for the period for which it has been granted.
- iii) If required, the concerned Department / Authority can direct the applicant licensee to change the optical fibre cable in stipulated time period or shift the cable to other area and the applicant licensee shall be bound to do the same for which all the expenses would be borne by the applicant company.
- iv) The State Government shall not be responsible for any damage to Optical Fibre cable and resultant losses, if any, during the course of official duty by any of their employees.
- v) If the applicant licensee wants to utilize the existing electric poles or street light poles, the same can be allowed by the concerned Municipalities/Department subject to the payment of fees / usage charges prescribed from time to time and fulfillment of terms & conditions.
- vi) Responsibility of public safety will lie with licensee during establishment or post establishment of Ground Based/Roof Top Tower/Mast/Pole and laying of cable, during its maintenance or other related activities. The licensee shall take all necessary safety steps & measures while executing the work and licensee will indemnify the Appropriate Authority against any accident and damage caused to life or property during execution and post execution.
- vii) Licensee or any 3rd party will not be allowed to display any advertisement on the overhead communication infrastructure without permission of the relevant Appropriate Authority.
- viii) The pits / trenches shall be reinstated within 72 hours after completion of the work up-to satisfaction of relevant Appropriate Authority, failing which the concerned Appropriate Authority will invoke the bank guarantee and will get the restoration work done.
- ix) In case of any damage to the essential services, i.e., water supply, sewerage system and telecommunication lines, electricity supply etc, it will be the responsibility of the licensee to get the services restored from the concerned Appropriate Authority within 24 hours and the cost so incurred would be borne by the applicant licensee.
- x) The area required for laying of Optical Fibre Cable etc., installing a Ground Based Mast and a ground Based Pole/tower, will be allotted subject to the conditions that it will not obstruct the movement of the traffic (vehicular & pedestrian), roads and services.
- xi) Ground Based Towers installed by the licensee can be used by Appropriate Authority for lighting the road and licensee will not be paid any fee for the same. All the related equipment for the purpose will be provided by the concerned Appropriate Authority and the electricity bill for the same will be borne by the concerned Appropriate Authority. However, the licensee will be responsible for the installation and maintenance of street light points on Ground Based Mast and Pole/tower.

ROOF TOP-BASED INFRASTRUCTURE

- xii) Express permission from the building owner shall be obtained. The pre- fabricated structure shall be temporary in nature and shall not be an inseparable part of the roof-top.
- xiii) The height of the antenna (i.e., height of building plus height of tower should be as per submitted specifications and should not violate the directions and the limit prescribed by any Authority in this regard).
- xiv) The structural safety has to be ensured by each private operator individual who should obtain the certificate from a certified structural engineer. It shall be the responsibility of the operator to ensure that the buildings

are structurally safe and sound and are capable of taking the load of antenna and pre fabricated structures.

CONSTRUCTION OF RCC MANHOLE

- xv) The structure of the manhole will be designed as per the norms of Indian Road Congress (IRC). The top level of the manhole will be as per existing road level and whenever the road level is changed, the agency will be bound to finish it to the road level at its own expenses.
- xvi) The agency will be responsible for maintenance and upkeep of the manholes from time to time and will be responsible for obstruction free flow of traffic and loss of any Government or Private property during and after the construction of manhole.
- xvii) If any manhole comes in the way of approved alignment of any proposed water supply, sewerage or any other service, the agency will be bound to shift or remove the manhole / cable. The agency will make changes in the location / alignment of manhole at its own cost wherever required by the Government / Appropriate Authority and will be bound to obey any directions of the Government / Appropriate Authority issued from time to time. Installation of telecom tower shall be allowed as per advisory guidelines issued by Department of Telecommunications, Government of India to State Governments from time to time.

1.6 GUIDELINES FOR INSTALLATION OF MOBILE TOWERS BY PRIVATE TELECOM SERVICE PROVIDERS IN THE PREMISES OF GOVERNMENT OFFICES OR GOVERNMENT LAND:

The committee as specified in 1.3 (a) headed by Deputy Commissioner of the concerned District where the Government land/building is located would be the Appropriate Authority concurrently for according permissive sanctions for allowing annual lease of Government land/building in consultation with district head of the concerned Department, Board, Corporation, Societies, Schools, Colleges, Hospitals, Anganwadi Centres, Fard Kendras, Suvidha Kendras, Saanjh Kendras etc.. The below mentioned guidelines govern the matters relating to the installation of mobile/telecommunication towers in Government/PSU land and buildings by Telecom Infrastructure Providers.

1. All applications for seeking permission of any Appropriate Authority for the installation of mobile/telecommunication towers in Government/PSU land and buildings shall be submitted by the applicant, along with the prior written consent from the Appropriate Authority having legitimate right over the land, and with (i) one time Charges for right of use, and (ii) furnish the Performance Bank Guarantee as a refundable security for restoration of sites and (iii) annual lease charges on the online portal to the concerned Deputy Commissioner. The above said committee will meet with inputs from all concerned and decide the applications and convey the decision within a maximum time period of 25 days.
2. The tower being constructed at Government land/Building if is to be shared with and other Telecom Infrastructure Providers/Service Providers in future as per Technical feasibility, The Telecom Infrastructure Providers/Service Providers should seek permission from the concerned Authority before sharing infrastructure.
3. Annual Lease Charges shall be payable to the department who owns the land and buildings as per charges defined under Clause No. 2.0I (c).
4. Permit for installation of Ground Based Mast (Tower)/Roof Top tower on the land/buildings belonging to the State Government offices/PSU will be issued by Concerned Deputy Commissioners in accordance as per the provisions of this policy. The guidelines in the matter issued by Government of India/Government of Punjab from time to time shall also be applicable.

5. Telecom Infrastructure Provider/ Service Providers shall have no right or claim over any Government Building/premises, in the light of this policy for granting permission for installing Ground Based Mast (Tower)/Roof Top Tower. It shall be the discretion of Deputy Commissioners to take appropriate decision for allowing the installation of Ground Based Mast (Tower)/Roof Top Tower on lease rent basis. This permissive sanction does not force any department to grant permission.
6. Technical feasibility and structural stability should be taken in to account by the head of office before leasing out the building roof tops. Future expansion/extension of building/premises should be kept in mind.
7. All such installations should be in compliance to DoT, GoI norms and related instructions issued by GoI and State Govt. from time to time.
8. Head of Office shall enter into an agreement with Telecom Infrastructure Provider/ Service Providers before leasing out land or roof top space of the building.
9. Damage cause to the building/assets/land if any, shall be rectified by the Telecom Infrastructure Provider/ Service Providers to bring back to the original condition and to the satisfaction of the authorities concerned. The Telecom Infrastructure Provider/ Service Providers will be solely responsible for any damage/losses to the property/people due to any accidents occurring due to the Tower.
10. Leasing of premises or buildings to Telecom Infrastructure Provider/ Service Providers should not be detrimental to the daily routine activities of the office or officers concerned.
11. The Fee collected by the competent Authority on a/c of administrative expenses for examination of application as also the lease charges levied collected on a/c of usage of land/site of Government Department shall be deposited in the State Treasury.

1.7 GUIDELINES FOR INSTALLATIONS OF IN-BUILDING SOLUTIONS (IBS)/ MICROCELL IN GOVERNMENT BUILDING

The in-building systems may be set-up in buildings to obtain good coverage and capacity to the mobile network inside the building by ensuring that the signals don't have to penetrate thick walls. The infrastructure required to be installed requires extensive wiring in building which could be internal or external based on the aesthetical requirement of the owner. This solution is beneficial to the mobile users as well as mobile operators as it reduces the load of the mobile towers and gives coverage to the mobile users. In this regard, the following guidelines shall be followed.

1. Identification/ selection of Government buildings for in-building solution/microcell would be done by the concerned department and request for installing IBS can be communicated to the Telecom Service Provider who in-turn shall conduct a survey to see the possibility of installing IBS in the said premises/building.
2. The permission for setting such a facility would be given by the concerned Head of department of the building and issue enabling order to allow such installations. In view of requirement of exterior/ interior wiring for in- building solution, the line plan should be got approved by the maintenance agency for electrical services for the said building. The service provider would also look into the security considerations of the Government offices.

2.0 FEE/CHARGES: HENCEFORTH THE FEE/CHARGES SHALL BE APPLICABLE THROUGHOUT THE STATE OF PUNJAB AS UNDER: -

I. OVERGROUND TELECOM INFRASTRUCTURE:

Laying of Overhead Communication and Connectivity Infrastructure such as Ground Based

Tower (GBT), Ground Based Mast/Monopole (GBM), Roof Top Tower (RTT) and Roof Top Pole (RTP).

- a) Every application shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate Authority may by general order deem fit and provided that the onetime fee to meet the administrative expenses accompanying every application shall not exceed Rs. 10,000/- . The Telecom towers which have come up before 05.12.2013 can be regularized by the Appropriate Authority on payment of Rs. 20,000/- along with requisite documents prescribed in Clause 1.4, if it fulfills the laid down criteria.
- b) The period of license shall be 20 years, co-terminus with the license issued by Government of India. It will be reviewed as per instructions issued under Right of Way Rules 2016 of GOI or State Government amendments from time to time.
- c) In cases, where the land / site utilized for the infrastructure such as tower, mast, pole etc. is to be provided by a Govt. Department / Agency / Appropriate Authority etc., the annual lease charges for each such site shall be 10 percent of the Circle Rate / Collector Rate on a per annum basis.
- d) The period of lease shall be 20 years. The lessee shall have to pay the entire lease money for 20 years in one go.

II. UNDER GROUND TELECOM INFRASTRUCTURE:

- a) Every application shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate Authority may by general order deem fit and provided that the onetime fee to meet the administrative expenses accompanying every application shall not exceed one thousand Rupees per kilo meter (Rs. 1000 per km or Rs. 1000 per pit).
- b) In cases where telecom cables such as optical fiber cables etc. have to be laid underground by any method such as duct & conduits, tunneling core etc., the service provider will be expected to conduct the entire operation of laying the cable fiber and restoring the site & all related infrastructure to its original & useable condition at their own cost and within a period of 30 days. In case, the service provider / infrastructure provider chooses not to rehabilitate the site / infrastructure or is unable to do so within a period of 30 days after laying the infrastructure, the concerned Government Department/Agency/Appropriate Authority shall execute the rehabilitation of the site / road by levying rehabilitation charges as fixed by the Department of Local Government/ Local bodies.
- c) The period of lease shall be 20 years. The lessee shall have to pay the entire lease money for 20 years in one go.

3.0 IMPLEMENTATION:

- i) A performance Bank guarantee @ Rs. 100/- per route meter with a validity of one year initially (extendable if required till satisfactory completion of work) will be furnished by the concerned licensee as a security against improper filling / unsatisfactory compaction / restoration and damages caused to other underground installations / utility services and interference, interruption, disruption or failure caused thereof to any services. The above charges can be reviewed from time to time keeping in view the increase in the restoration cost.
- ii) If the applicant licensee wants to utilize the existing street light poles, the same will be allowed subject to the terms & conditions of these guidelines and payment of one-time fees and annual user charges as prescribed by the Appropriate Authority.
- iii) The site or surface of road / streets will be restored to its original position by the licensee within 30 days.

- iv) In order to avoid repeated digging on the same routes, if possible, the 1st incumbent is free to lay voluntarily extra ducts/conduits with extra capacity so as to take care of future needs. The capacity/excess capacity can be commercialized by the incumbent with suitable mutual agreements with the respective Appropriate Authority. However, creation of the excess capacity by the 1st incumbent shall not be a precondition for giving Right of Way clearances. The Appropriate Authority may consider laying ducts/conduits at the time of construction of roads to facilitate laying telephone cables for which suitable charges could be imposed.
- v) Applicant will give a notice of 15 days with route details prior to trenching for fresh or maintenance/repair works. A separate Performance Bank Guarantee for maintenance/repair work will be furnished by the licensee.
- vi) Operator shall be responsible for any accident or damage due to his act, omissions or negligence.

4.0 CHECKS

- i) While giving permission for Right of Way for Laying of Optical Fiber Cable etc., installation of Ground Based Mast/Poles/Tower it should be ensured that this will not cause disruptions in services and facilities.
- ii) While giving permission for installation of Ground Based Mast/Poles/Tower, it should be ensured that this not cause obstruction / hindrance to vehicular as well as pedestrian traffic.
- iii) Permission will also be subjected to all statutory restrictions imposed by any Act or law in force.

5.0 OTHER CONDITIONS

- i) The agreement to be executed between the licensee and concerned Appropriate Authority regarding compliance of all the terms and conditions is at Form-C.
- ii) In case of any dispute between the licensee and the Appropriate Authority, the Nodal Officer specified in item No. 1.3(a) above shall be the final Authority for settlement of such dispute and such decision will be binding on both the parties.
- iii) The permission shall be valid for such time as the operator holds a valid license for such operations or for 20 years which- ever is shorter.
- iv) Telecom installation is lifeline installation and a critical infrastructure in mobile communication. It is an essential service and therefore sealing of mobile towers/disconnection of electricity may not be resorted to without the consent of respective TERM Cell of DoT in respect of the EMF related issues. However, if the matter is related to structural safety of mobile tower, the Deputy Commissioner may take suitable action as it deems fit on receipt of a report from Executive Engineer, PWD (Buildings). If the installed Telecom Infrastructure is found to be without appropriate approvals or the infrastructure providers has not deposited the requisite fee to the appropriate Authority, the appropriate Authority shall have the power to seal or remove the said telecom infrastructure without giving any prior notice.
- v) These guidelines shall be applicable to all appropriate authorities within the State of Punjab including the various development authorities, industrial development authorities, other statutory authorities and also the local bodies including Municipal Corporations, Municipalities, Nagar Panchayats, Gram Panchayats etc. constituted by the State Legislature. The appropriate Authority shall exercise the powers under these guidelines on an application for laying of cables and installation of Telecom Infrastructure.

Sd/-

ALOK SHEKHAR, IAS,

Principal Secretary to Govt. Punjab,

Department of Industries & Commerce.

Chandigarh

The 7th December, 2020

FORM-A

Application for erection of Towers/Antenna

No.

Dated

To

The Appropriate Authority.

Subject:- Application for regularization/erection of overhead communication infrastructure such as Ground Based Tower (GBT), Ground Based Mast/Monopole, Roof Top Tower (RTT) and Roof Top Pole (RTP).

Sir,

I/we have erected/intend to erect _____ number of overhead communication infrastructure such as Ground Based Tower (GBT), Ground Based Mast/Monopole, Roof Top Tower (RTT) and Roof Top Pole (RTP) along with cabin on property No./_____ rooftop of the building No._____ located at _____.

I/we/am/are enclosing the following documents:

1. Consent letter of Building/Land owner,
- 2.a) Four sets of Ferro Prints and two prints on tracing cloth/tracing film clearly showing the location of each Tower/Mast/Pole.
- b) Structure Safety Certificate issued by.
3. That I/we are enclosing a demand draft/Call Deposit receipt no. amounting to Rs._____ in favour of _____ drawn on _____ Bank as one time permission charges per tower.
4. That I/we are enclosing an Indemnity Bond on a Stamp Paper of Rs.100/- duly attested by Appropriate Authority indemnifying Appropriate Authority to the effect:-
 - A) That I/we shall be solely responsible for any damage to the building and for public safety from the tower erected on property no._____ situated at _____.
 - B) That I/we fully understand that in case of buildings, which were/are unauthorized or which may be so declared at a later point of time, permission for installation of Towers shall be granted on fulfilment of all the above conditions but shall not imply any change whatsoever on the status of the unauthorized building and shall be without prejudice to the right of Appropriate Authority (CLA) to demolish the said building through the due process of law. In undertaking such demolition, CLA will not be under any obligation to send prior intimation to the owner of the tower, nor it will be liable for loss of the tower as a consequence of demolition of unauthorized building.
5. That I/we undertake that I/we take special precautions for fire safety and lightening.
6. That I/we are enclosing a self-certified copy of the agreement concluded between me/us and the owner of the building/land.
7. You are requested to regularize/ to grant permission for erection of Tower.

Encl: Indemnity Bond

FORM-B**Indemnity Bond for Erection of Tower and Allied Buildings.**

The indemnity bond is executed by Sh./M/s _____ r/o _____ (hereinafter called the owner) in favour of _____ (hereinafter called the Appropriate Authority) .

Whereas the owner has submitted to the Appropriate Authority plans for regularization/sanction of erection of tower and allied buildings over Plot No. _____ under the provisions of relevant laws, bye-laws and regularizations and or the bye-laws made their under:-

And whereas the Appropriate Authority has agreed to regularize/sanction the aforesaid constructions subject to the condition that the owner shall indemnify the Appropriate Authority in the event of any loss or damage caused to the adjoining buildings/properties on account of the construction of said erection of tower and buildings either at the time of digging of the foundation or in the course of its construction or even thereafter and also against any claim of any concern thereto.

And whereas the owner has agreed to execute an indemnity bond to the above effect and also to abide by the terms imposed by Appropriate Authority to the grant of sanction of erection of tower and allied buildings.

NOW THIS DEED WITNESSES

1. That in consideration of the sanction of the plans of the owner for regularization/construction of the erection of tower and allied buildings, the owner undertake that he/they shall at all time keep the Appropriate Authority harmless and free from any liability, loss or damages following from any injury or damage caused to either adjoining properties or to any person as a consequence of construction of tower and allied building at the time digging of its foundation or during the course of its construction or at any time thereafter.
2. The owner agrees and undertake that in the event of any claim made by any person or persons against the Appropriate Authority either in respect of the sanction granted by the Appropriate Authority to the owner for erection tower and buildings or the manner of construction of erection of tower and building by the owner or the consequences flowing from the said sanction, the owner shall be responsible and liable and not the Appropriate Authority.
3. The owner agrees and undertakes to indemnify the Appropriate Authority fully in respect of any amount which the Appropriate Authority may be required to pay to any persons either by way of compensation of damages or any other account as a result of any claim or suit or any other proceedings concerning the sanctioning of the constructions of the erection of tower and building or the making thereof and also in respect of costs and expenses which the Appropriate Authority may incur on defending any action.
4. Without prejudice to the above undertaking the owner hereby binds itself to pay to the Appropriate Authority to the full extent any amount which the Appropriate Authority may be required to pay person in connection with, relating to or concerning the sanction of the erection of tower and allied building or the making thereof.
5. That I/we fully understand that in case of buildings, which were/are unauthorized or which may be so declared at a later point of time, permission for installation of towers shall be granted on fulfillment of all the above conditions but shall not imply any change whatsoever on the status of the unauthorized building and shall be without prejudice to the right of Appropriate Authority to demolish the said building through the due process of law. In undertaking such demolition, Appropriate Authority will not be under any obligation to send prior intimation to the owner of the tower, nor it will be liable for loss of the tower/allied structure as a consequence of demolition of the unauthorized building.

6. The owner further agrees and undertakes that this bond shall remain in full force and effect till the owner faithfully observes and performs the undertaking herein before contained. In witness whereof the owner above named has signed this bond on this _____ day of _____ at _____.

INDEMNIFIER

(On Rs.100/- Non Judicial Stamp Paper)

LICENSE AGREEMENT

This agreement made on the _____ day of _____ between [Nodal Officer] and [herein referred to as Competent Authority which expression shall include its legal representatives, successors, assigns] and [-----Applicant Name & Address] (herein after referred to as the Licensee), which expression shall include his/her legal representatives, successors, administrators, assigns.

This License agreement has been applied to this Authority for permission to Erect Ground Based Mast at[location] [Area and Measurement].

Whereas, the competent Authority has agreed to grant such license as per the terms and conditions contained in the Right of Way Policy, 2020 subject to the following terms and conditions:-

NOW THIS AGREEMENT IS WITNESSETH AS FOLLOWS:

In consideration of the Competent Authority agreeing to grant License/ permission to Licensee to Erect Ground Based Mast on the fulfillment of all the conditions stipulated in the SACFA clearance of the Licensee, the Licensee hereby conveniences as follows:-

- 1) That the period of license is conterminous with the period of registration granted by Department of Telecommunications, Government of India, subject to maximum period of 20 years.
- 2) That the licensee has paid Administrative Fees of Rs. 10,000/- including service tax, which are applicable for period of license granted by Department of Telecommunications, Government of India, subject to maximum of 20 years. The administrative fees shall be deposited in the receipt head to be provided by Competent Authority.
- 3) That the licensee shall be responsible to get the required technical safety check of the Ground Based Mast from designated institute/ Executive Engineer nominated by Deputy Commissioner and submit the reports to the Nodal Officer.
- 4) That the licensee shall get the radiation level checked at regular intervals during O&M period from TERM CELL and submit the conformance reports to the concerned Authority. In the absence of such, the Nodal Officer may ask for such tests at the cost of the Licensee. Non-compliance with the radiation emission shall attract penalties as prescribed by DoT/ Govt. from time to time and cancellation of license.
- 5) That the licensee shall be solely responsible for any damage to the building, adjoining building and for the public safety.
- 6) That the lightening arrestors and aviation lights shall [as per International standards] be provided at the top of Ground based Mast (if applicable).
- 7) That the earth resistance of the Ground Based Mast should be maintained within the prescribed range and should be checked periodically every year.
- 8) That the licensee shall be responsible to get the required checks of such communication infrastructure at regular intervals from any government approved agencies and will submit the report to the Competent Authority.
- 9) That the licensee shall carry out any shifting or change in alignment of the already laid Ground Based Mast if necessitated due to widening of roads/construction of Flyovers or public buildings at his own cost within the period specified by the respective Competent Authority.
- 10) That the licensee shall remove the Ground Based Mast on the expiry of licensee period granted at his own cost within the period specified by the Competent Authority.

- 11) That the licensee shall ensure safety and security of the Underground installation/utilities/ facilities and shall be solely responsible for compensation/indemnification of concerned Authority for the damage caused/ claims or replacement sought for at cost and risk of licensee to the concerned Authority.
- 12) That the licensee in case of any damage to the essential services i.e. Water supply, sewerage system and Telecommunication lines/ Electricity lines etc., it will be responsibility of the company to get the services restored to their original and satisfactory conditions at its own cost.
- 13) That the Competent Authority shall not be responsible for any damage to Ground Based Mast and resultant losses, if any during performance of official duties by any employee of the State Government.
- 14) That the Licensee shall have to provide all safety measures like barricading, danger lightening and caution boards etc. while executing the works.
- 15) That in case of breach of any the clauses of the agreement, the Competent Authority will be empowered to terminate the contract after giving the show cause notice of 30 days.
- 16) That in case of violation of any terms and conditions permission granted can be withdrawn and cancelled any time. Licensee shall neither be entitled for any compensation or any loss caused to it by such cancellation.
- 17) That one officer to be nominated by the Competent Authority and a representative to be nominated by the licensee will act as Arbitrators to whom the matter will be referred to and the decision of the Arbitrators will be final and binding on both the parties.
- 18) The court at District Headquarter shall be alone have the jurisdiction to try any matter arising out of this agreement.
- 19) This Permission is granted to enable the licensee to apply for Permanent Power Connection to run the site, the payment of electricity bills will be paid directly by licensee.

IN WITNESS THERE OF THE PARTIES HERE TO HAVE UNTO SET THEIR RESPECTIVE HANDS THE DAY AND THE YEAR FIRST ABOVE WRITTEN

This agreement has been executed in duplicate and each party to this agreement has retained one stamped copy each.

SIGNED AND DELIVERED BY
(COMPETENT AUTHORITY)

In the presence of

Signature

Signature

Name and Designation

Name and Designation

Address

Address

SIGNED AND DELIVERED BY
(On behalf of licensee)

In the presence of

Signature

Signature

Name and Designation

Name and Designation

Address

Address